

September 11, 2015

The Honorable Daniel E. Shearouse
Clerk, S. C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED

SEP 17 2015

S.C. SUPREME COURT

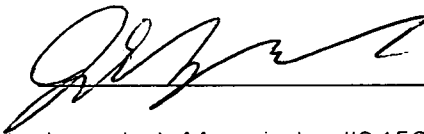
Re: Joseph J. Magni, Jr., #345848, Petitioner,
v. State of South Carolina, Respondent.
Case No. 2014-002362

Dear Mr. Shearouse:

Enclosed for filing is one (1) original and three (3) copies of my Motion For An Enlargement Of Time, Rule 234(b), SCACR for the above case.

Please stamp clock and file these matters, and kindly return one (1) copy to me for my records. Your attention to these matters will be greatly appreciated.

Thank you. Sincerely, I am,



Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067

Petitioner

Enc: As stated above

/jjm

cc: Lara M. Caudy
Daniel Gourley, Esq.
File

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

SEP 17 2015

R. Knox McMahon, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2014-002362

Joseph J. Magni, Jr., SCDC #345848.....Petitioner,

v.

State of South Carolina.....Respondent.

MOTION FOR AN ENLARGEMENT OF TIME.
RULE 234(b), SCACR

Joseph J. Magni, Jr., SCDC #345848, hereby requests an enlargement of time to prepare Petitioner's Pro Se Brief, which is due for filing on October 1, 2015. Appellate Counsel Lara Caudy filed a Johnson Brief on August 10, 2015, which was received by Petitioner on August 17, 2015. The facts supporting this motion are attached

September 11, 2015



Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067

Petitioner

cc: Daniel Gourley, Esq.
Assistant Attorney General
S.C. Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211
Attorney for Respondent

Attorney for Respondent

ARGUMENT

Petitioner, Joseph J. Magni, Jr., SCDC #345848, pursuant to Rule 234(b), SCACR, hereby requests an enlargement of time of forty-five (45) days, beginning on the day following Petitioner's receipt of his case file from SCDC, to prepare *Petitioner's Pro Se Brief*, which is due for filing on October 1, 2015. Petitioner would respectfully show this Court that the facts supporting this motion are:

1. Appellate Counsel Lara Caudy filed a Johnson Brief on August 10, 2015, which was received by Petitioner on August 17, 2015.

2. As of the date of this filing by Appellate Counsel Lara Caudy, Petitioner has not had an opportunity to review the Post-Conviction Relief transcript of proceedings, which were held on August 1, 2014.

3. On August 12, 2015, Petitioner submitted letters to Robert M.P. Masella, Lance Boozer, Esq. and Lara Caudy to request a copy of Petitioner's case file to adequately review the facts of Petitioner's case.

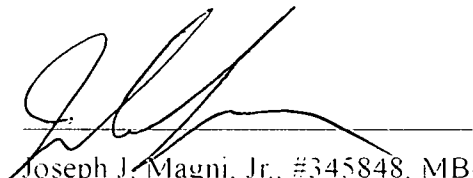
4. On September 8, 2015, Petitioner received his case file from Counsel Robert M.P. Masella, which SCDC deemed to have contained "questionable materials" (DVDs, photographs, etc.); the entire file was submitted to the Correspondence Review Committee ("CRC") by SCDC agent, Mrs. Catherine Amason, for review on September 10, 2015.

5. As of the date of the filing of this motion, Petitioner has not received his case file from the CRC, and he has been unable to reasonably review the same in preparation for filing his *Petitioner's Pro Se Brief*.

Petitioner so moves.

September 11, 2015

Kershaw, South Carolina



Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067
Petitioner

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

RECEIVED

SEP 17 2015

S.C. SUPREME COURT

Case No. 2014-002362

Joseph J. Magni, Jr., SCDC #345848.....Petitioner.

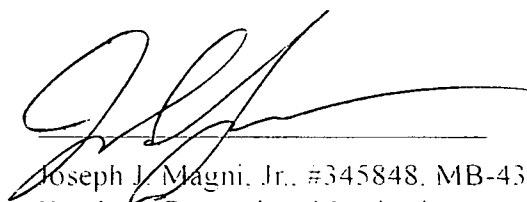
v.

State of South Carolina.....Respondent.

PROOF OF SERVICE

I certify that I have served the Motion For An Enlargement Of Time, Rule 234(b), SCACR on the Respondent by depositing a copy of the same in the United States Mail, postage prepaid, on September 11, 2015, addressed to the attorney of record, Daniel Gourley, Esq., Assistant Attorney General, S.C. Office of the Attorney General, P.O. Box 11549, Columbia, S.C. 29211

September 11, 2015



Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067

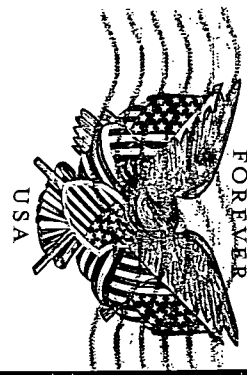
Petitioner

cc: Daniel Gourley, Esq.
Assistant Attorney General
S.C. Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Joseph Jay Magni Jr. #345848
Sheridan Correctional Institution MB-43
848 Goldmine Highway
Sheridan, SC 29067

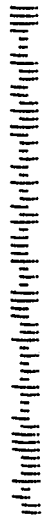
LEGAL MAIL COLUMBIA SC 2900

15 SEP 2015 PM 2 L



The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
P.O. Box 11330
Columbia, SC 29211

29211133030



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

© USPS 2013



RECEIVED

SEP 15 2015

KerCI MAILROOM

RECEIVED
SHERIDAN CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS